

Remarks/Arguments

Please reconsider the application in view of the above amendments and the following remarks.

Disposition of Claims

Claims 1-6, 8 and 9 are rejected. Claims 7 and 10 are object to. Claims 1 is amended. Claim 7 is canceled. Claims 1-7 and 8-10 remain pending. Claim 11 has been added.

In the Specification

The Examiner has stated that the Applicant must conform the spelling of grill to that of the prior art. In response, Applicant has amended the specification to so that the entire application consistently uses the term of art "grille". Applicant points out that in the prior art patent cited by the Examiner, the term "grill" is used incorrectly and the spelling should be "grille".

In the Drawings

Applicant submits replacement formal drawings with this response to the Office Action.

Rejections under 35 U.S.C. §102

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,373,426 by O'Sullivan. Applicant respectfully traverses.

Because Applicant has amended claim 1 to include the limitations of claim 7, Applicant believes the rejection has been made moot and that independent claim 1, and all claims dependent therefrom, are not anticipated by O'Sullivan and Applicant requests that the rejection under 35 U.S.C. 102(b) be withdrawn.

Rejections under 35 U.S.C. §103

Claims 2-5, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,373,426 by O'Sullivan. Applicant respectfully traverses and submits that the examiner has failed to establish a *prima facie* case of obviousness.

Claims 2-5, 8 and 9 are directed to a vehicular lighting system and a method for retrofitting a vehicle with a vehicle lighting system. According to the application as amended, the vehicular lighting system is a grille and a light fixture system, where the light fixture is integrated substantially flush with the front of the grille. The light fixtures are fabricated in the

grille and the grille is preformed to accept the light fixtures. See present specification, page 4, paragraph 13. The method is for retrofitting an existing vehicle by removing the existing grille and installing a second grille with at least one light fixture integrated with the second grille. As shown in FIGS. 1 and 2, the invention also includes a grille with at least one light fixture socket integrated into the grille for receiving a light fixture.

The Examiner states “it would have been obvious to one having ordinary skill in the art at the time the invention was made to use either strobe lights, halogen lights or LEDs in the device of O’Sullivan depending on the intended use of the device”. The Examiner further states “it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the grill of O’Sullivan from plastic material”. See present Office action, page 3. The Examiner further states “O’Sullivan does not disclose that the light fixture and grill may be formed and sold as a single piece....an integral design would allow the grill and fixture to be designed as a whole creating a more unified appearance. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the grill and fixture of O’Sullivan integrally to create a better design and a safer product.” See present Office action, page 4.

O’Sullivan discloses a front mounted vehicle brake light. O’Sullivan specifies that the front mounted vehicle brake light comprises a signal assembly positionable upon a front exterior area of a vehicle...the signal assembly is preferably mounted to a center of a grill of a vehicle. See O’Sullivan, col. 4, lines 36-40. O’Sullivan further specifies that the front mounted vehicle brake light “in use...may be conveniently installed ...by simply attaching the signal assembly to the vehicle”. See O’Sullivan, col. 5, lines 30-33. Further, O’Sullivan states that “this allows the front-mounted vehicle brake to be installed on any conventional vehicle, as well as other vehicles such as golf-carts, tractors, farm equipment, or the like.”. See O’Sullivan, col. 5, lines 34-37.

O’Sullivan does not disclose a vehicle grille, rather, discloses a vehicle brake light “positionable upon a front exterior area of a vehicle.” See O’Sullivan, col. 4, lines 36-38. In fact, O’Sullivan further discloses that the vehicle brake light “may be secured to a grill of a vehicle by a fastener”. See O’Sullivan, col. 4, lines 56-57. Thus, O’Sullivan discloses a vehicle brake light but does not disclose a vehicle grille, in fact, in all modes of O’Sullivan’s invention,

the vehicle brake light is fastened or attached to a vehicle. The vehicle brake light is never integrated into a vehicle grille.

Further, O'Sullivan discloses *only* a vehicle brake light "which has many of the advantages of the signal lights mentioned heretofore". See O'Sullivan, col. 3, lines 9-11. O'Sullivan defines "signal lights" as "devised and utilized for the purpose of signaling a deceleration of a vehicle". See O'Sullivan, col. 1, lines 14-16. O'Sullivan does not disclose the use of either strobe lights, halogen lights or LEDs. The Office action fails to show that there is any motivation found in O'Sullivan or in any other prior art to modify O'Sullivan in this way. The Examiner merely states it would have been obvious "to use either strobe lights, halogen lights or LEDs in the device of O'Sullivan depending on the intending use of the device". See present Office action, page 3. The intended use of the O'Sullivan device is clearly stated by O'Sullivan, therefore, there is no motivation to modify O'Sullivan in the manner suggested in the Office action.

As stated above, O'Sullivan does not disclose a vehicle grille, much less a vehicle light integrated with a vehicle grille. The Office action fails to show that there is any motivation found in O'Sullivan or in any other prior art to modify O'Sullivan in this way. The Office action merely concludes that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the grill and fixture of O'Sullivan integrally to create a better design and a safer product". See present Office action, page 4. The Examiner merely states "forming the piece integrally would prevent the light fixture from loosening and falling off the grill, preventing it from becoming a projectile during a crash". See present Office action, page 4. The Office action fails to show that there is any motivation found in O'Sullivan or in any other prior art to modify O'Sullivan in this way. The Office action merely concludes that the limitations recited in claims 2-5, 8 and 9 would have been obvious. Moreover, nothing in O'Sullivan suggests that there would be any need for an integrated vehicle light and grille. Indeed, O'Sullivan specifically states that this vehicle brake light may be secured to a grill, and that the vehicle brake light is "positionable upon a front exterior of a vehicle." See O'Sullivan, col. 4, lines 36-38. In fact, positionable upon a front exterior states that the vehicle brake light is on the exterior of the vehicle, not integrated within the vehicle.

Because there is no motivation to modify O'Sullivan in the manner suggested in the Office action, applicant submits that claims 2-5, 8 and 9 would not have been obvious and requests that the rejection under 35 U.S.C. 103 be withdrawn.

Conclusion

The claims have been shown to be allowable over the prior art. Applicant believes that this paper is responsive to each and every ground of rejection cited by the Examiner in the Action dated June 15, 2004, and respectfully requests favorable action in this application. The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Please apply any charges not covered, or any credits, to Deposit Account 04-0932 (Reference Number 13747/62043).

Respectfully submitted,

Date:

07.15.04

By:


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